

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORY BLACK,

Plaintiff,

-against-

OFFICER DEANDRE DORSEY; OFFICER
MATTHEW CABILLIS,

Defendants.

25-CV-0829 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at the Otis Bantum Correctional Center, brings this *pro se* action under 42 U.S.C. § 1983. He asserts claims against Officers Dorsey and Cabillis arising out of his arrest on August 23, 2024, on the Upper West Side in Manhattan. For the following reasons, the complaint is dismissed.

Plaintiff has previously submitted to this court a substantially similar complaint against the same defendants arising out of the same arrest. That case is pending in this court under docket number 25-CV-0413 (LTS).¹ Because this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 25-CV-0413 (LTS)

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

¹ That action cannot proceed until Plaintiff submits a prisoner authorization form or prepays the filing fees.

CONCLUSOIN

The Court dismisses Plaintiff's complaint without prejudice as duplicative of the action pending under docket number 25-CV-0413 (LTS)..

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: January 30, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge